ಶ್ರೀ ಕೆ. ಪ್ರಭಾಕರ್.—ಯಾವುದೇ ಕಾರಣದಿಂದ ಹರಿಜನರು ಸಾರ್ವಜನಿಕರ ಬಾವಿಗಳಲ್ಲಿ ನೀರು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಅಡಚಣೆ ಇರುವುದು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದರೆ, ಕೂಡಲೇ ಕ್ರಮ ಕೈಕೊಳ್ಳುವ ಪದ್ಧತಿ ಈಗಿನ ಕಾನೂನಿನ ಪ್ರಕಾರ ಇದೆ. ತಾವು ಹೇಳುವುದು ನಿಜವಾಗಿದ್ದರೆ, ನೀರು ತೆಗೆದುಕೊಳ್ಳಲು ಕೆಲವರು ಅಡ್ಡಿ ಮಾಡುತ್ತಿದ್ದಾರೆಂಬುದು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದರೆ ಅಂತಹವರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮ ಕೈಕೊಳ್ಳುತ್ತೇವೆ.

MR. SPEAKER.—Now Question No. 302 held over on 20th March 1979 may be put.

High Court Judges, District Judges, Civil Judges Munsiffs and staff in Judicial Departments.

302 SRI C.M. ARMUGHAM (K.G.F.)—Will the Minister for Law, Social Welfare and Backward Clases be pleased to state :—

(a) the number of High Court Judges, District Judges, Civil Judges and Munsiffs in the Judicial Department ;

(b) the number of Class I, Class II, Class III and Class IV officials in the Judicial Department other than Judges ;

(c) the number of S.C./S.T.s and muslims among them ?

SRI L. G. HAVANUR (Minister for Law, Social Welfare and Backward Classes)—

(a)	High Court Judges	...	23

The number of regular posts including OOD, sanctioned in each catogory of Class-I posts are as follows :

(a)	District Judges	...	58
(b)	Civil Judges and Chief Judicial Magistrates	...	87
(c)	Munsiffs	...	208
			*353

*There are 331 Officers working at present in various Class I posts against 353 posts in the Judicial Department.

(b)	Class I	...	Nil
	Class II	...	19
	Class III	...	4,318
	Class IV	...	2,401

		S. Cs.	*S. Ts.*	*Muslims*
(c)	High Court Judges	1	...	1
	District Judges	2	...	1
	Civil Judges	...	...	2
	Munsiffs	5	...	16
	Class II posts	1	—	1
	Class III posts	558	67	434
	Class IV posts	439	74	326

SRI C.M. ARUMUGHAM.—Sir, may I know what exactly the reasone for inadequate representation of Scheduled Castes, Scheduled Tribes and also Muslims in the cadres of District Judges, Civil Judges and Munsiffs ?

†SRI L.G. HAVANUR.—Sir, there are many factors that go into the selection of judges. It is possible that at the time of initial recruitment sufficient number of eligible candidates were not available.

SRI C.M. ARUMUGHAM.— What are the reasons for inadequats representations in Class- II, III & IV ?

SRI L G. HAVANUR.—The same reasons.

SRI C.M. ARUMUGHAM.—What are those reasons ? Are you not able to get S.S.L.C. people for appointment of Clerks ? May I know how many Scheduled Caste Graduates have registered there names in the Employment Exchange for requesting appointment ? I would like to know from the Government what is the requisite qualification for Class-II, III and IV posts in the Judicial Department ?

SRI L.G. HAVANUR.—There are different sets of recruitment rules for different categories of posts. The High Court establishment is governed by different sets of rules framed under article 229. Recruitment to Subordinate Judiciary is governed by the rules framed under article 309. I would like to know from the hon. Member the particular set of rules to which he makes a reference.

10 A. M.

SRI MALLIKARJUNA KARGE.—The simple question Sri Arumugham has asked is what are the qualifications required for Class II, Class III and Class IV posts in the judiciary and when qualiffied candidates are available to fill these posts, why the judiciary has neglected to recruit sufficient candidates from the S.Cs/S.Ts ?

SRI D. DEVARAJ URS (Chief Minister)—Unfortunately in the judiciary they have gone on with their own method and rules of recruitment, the resultant effect being that the Schedulced Castes and Scheduled Tribes candidates have not been given adequate representation

and there is lack of representation in the judiciary at all levels. It is a fact of life and that is why we have introduced an enactment. I think it has been passed. I say this subject to verification. Rules have to be framed under it and we have to see that the constitutional obligation is adhered to in the judiciary and proper representation gven to them.

SRI C.M. ARUMUGHAM.—Since how long the Hon High Court of Karnataka is following the reservation policy for Scheduled Castes and Scheduled Tribes ?

SRI D. DEVARAJ URS —It is not followed in a way ; that is why I am saying that we have now to see that it follows it.

SRI C.M ARMUGHAM.—Since when it is following the reservation policy ?

SRI D. DEVARAJ URS.—After passing this enactment, rules have to be framed under it. They are yet to come into force after getting the assent of the Government. This is the position at the moment.

ಶ್ರೀ ಎಂ.ಎಂ. ನಡಾಫ್.—ಜುಡಿಷಿಯರಿಯಲ್ಲಿ ಹರಿಜನ ಗಿರಿಜನರಿಗೆ ಅಡಿಕ್ವೇಟ್ ರೆಪ್ರಸೆಂಟೇಷನ್ ಇಲ್ಲಾ ಎಂದು ರೂಲ್ಸ್ ಫ್ರೇಮ್ ಮಾಡಿತ್ತಿದ್ದೇವೆಂದು ಸಭಾ ನಾಯಕರು ಹೇಳಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಈಗ ಎಂಜಿನಿಯರಿಂಗ್‌ನಲ್ಲಿ ಮಾಡಿದ ಹಾಗೆ ಅಡಿಕ್ವೇಟ್ ರೆಪ್ರಸೆಂಟೇಷನ್ ಆಗುವ ಹಾಗೆ ಹೆಚ್ಚು ರೆಪ್ರಸೆಂಟೇಷನ್ ಕೊಡುವ ದೃಷ್ಟಿಯಿಂದ ಬೇರೆ ಕಮ್ಯೂನಿಟಿಯವರಿಗೆ ಪ್ರಾತಿನಿಧ್ಯ ಕೊಡುವುದನ್ನು ತಡೆಹಿಡಿದಿದ್ದೀರಾ ?

ಶ್ರೀ ಡಿ. ದೇವರಾಜ ಅರಸ್.—ಸ್ವಾಮಿ ಅವರಿಗೆ ಎಷ್ಟು ಪ್ರಾತಿನಿಧ್ಯ ಸಿಕ್ಕಬೇಕೋ ಅಷ್ಟೇ ಇನ್ನೂ ಸಿಕ್ಕಿಲ್ಲ, ನೀವು ಇನ್ನೂ ಹೆಚ್ಚಿಗೆ ಕೊಡಬೇಕೆಂದು ಕೇಳುತ್ತಿದ್ದೀರಿ.

SRI C.M. ARMUGHAM.—I am not able to follow the Hon. Chief Minister. Article 229 of the Constitution empowers the Chief Justice to make all appointments in the High Court. He has not followed reservation for all these 30 years. How are you going to bind the High Court in the matter of following the reservation ? Are there any S.Cs/S.Ts in the categories of posts like Registrar, Additional Registrar, Deputy Registrar, Assistant Registrar, Special Officers, Court Officers and Judgment Writers ?

SRI L G. HAVANUR.—I think the hon. Member is not clear about the scope of article 229 and other provisions of the Constitution. We have not furnished particulars relating to the High Court establishment for two reasons : one is that the question raised by the hon. Member does not cover the particulars relating to the High Court establishment. Secondly, in spite of our asking the High Court to furnish the information, they have declined to do so. The figures that have been supplied to this Hon. House relate to the Snbordinate Judiciary and not to the High Court establishment.

SRI C.M. ARUMUGHAM.—Therefore, I am asking how are you going to bind the High Court in the matter of following the reservation ? For all these 30 years the appoinments were made by the Chief Justice. Last time I had suggested a legislature probe into these appointments. Nonetheless, they have not followed the reservation. As a result, we have no representation in the High Court, even in Class II, Class III and Class IV posts. How are you going to bind the High Court ?

SRI D. DEVARAJ URS.—Article 229 reads :

> "Subject to the provisions of any law made the Legislature of the State, the conditions of service of officers and servants of a High Court shall be such as may be prescribed by rules made by the Chief Justice of the Court or by some other Judge o officer of the Court authorised by the Chief Justice to make rules for the purpese:"

Under this provision, the Legislature has made an enactment. I learn that the enactment which has been passed here is yet to receive the assent of the Governor. I Speak subject to verification. If it has not received the assent of the Governor, we may request the Governor to give the assent quickly. If it has already received the assent of the Governor, I will have a talk with the Chief Justice in this matter. Rules will have to be framed by them as per this article. When the Bill itself has not received the assent, where is the question of their framing the rules ?

ಶ್ರೀ ಎಚ್.ಡಿ. ದೇವೇಗೌಡ.—ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಆರ್ಟಿಕಲ್ ೨೨೯ ರ ಬಗ್ಗೆ ವಿವರಣೆ ಕೊಟ್ಟಿದ್ದಾರೆ. ಹೈಕೋರ್ಟ್ ಎಸ್ಟಾಬ್ಲಿಷ್‌ಮೆಂಟ್‌ಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅವರು ಸಮರ್ಥನೆ ಮಾಡುತಿದ್ದಾರೆ ಎಂಬುದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೇನೆ. ಸಬಾರ್ಡಿನೇಟ್ ಕೋರ್ಟ್‌ಗಳೆಂದರೆ ಮುನ್ಸಿಫ್ ಕೋರ್ಟ್, ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಕೋರ್ಟು ಈ ಎಲ್ಲ ಕೆಳಕೋರ್ಟುಗಳ ಎಸ್ಟ್ಯಾಬ್ಲಿಷ್‌ಮೆಂಟ್ ಅಥಾರಿಟಿಯೂ ತಮ್ಮ ಅಧೀನದಲ್ಲೇ ಇದೆ. In respect of the ministerial establishment in the lower courts, is it the Chief Justice or the lower court which is going to make the appointment ? Lower courts other than High court come under the parview of the State Government.

SRI D. DEVARAJ URS.—Article 235 of the Constitution says that

> "the control over district courts subordinate there to including the posting and promotion of, and the grant of leave to, persons belonging to the judicial service of a State and holding any post inferior to the post of district judge shall be vested in the High Court".

The whole thing comes under them. The Government does not make appointments to class III or IV. The entire Judicial matter even

including servants of the Court will come under the purview of the High Court. They make the rule and that is the position. If you think that it is our right to do it, it is not correct.

SRI H.D. DEVEGOWDA.—The State Government has the administrative control...

SRI D. DEVARAJ URS.—The administrative control is different from services. I can have control so far as money matters are concered but, so far as services are concerned I have no control. Class IV and III are not appointed by the Government. If the hon. Member thinks we have control I shall be happy and instead of giving 18% reservation to make up the backlog I can even go on upto 25 or 30%. But unfortunately that is not the position.

SRI C. M. ARMUGHAM.—The appointments to all posts in class III and IV have been done by the Government. Below the District Courts it is only by the High Court. This is for the information of the Hon. Chief Minister. High Court makes appointment to posts in the High Court only, but not District Court. A clerk can be appointed by the Government and not by the High Court. Any way, when the Government does not follow rules the High Court can question it, but if the High Court does not follow who can question it ?

SRI D. DEVARAJ URS.—The High Court has to follow the rules, as I said, so far what they have done every body knows including you and me. That is one of the reason why a Bill was passed here to see that under the Act the High Court should frame rules according to the article which I read. I am sorry there is some confusion regarding appointments in Sub-ordinate Courts. The Hon. Members Sri H. D. Deve Gowda as well as Sri C.M. Arumugham told me that it is a job of the Government. If that is so, we have no excuse to say that we cannot follow the rules and also to see that the reservation of jobs for SCs/STs are given to them, that is a matter on which I will get the information later on and furnish. So far as the High Court is concerned they have to frame rules. They have framed some rules. I do not know. But the Constitution provision is that this is a matter which the State Legislature can legislate and we have passed an enactment and now as I already stated we placed it before the Governor for giving assent. The moment the assent is got we will request the High Court to frame rules in accordance with the enactment and this recruitment should be done accordingly.

SRI C. M. ARUMUGHAM.—May I request the Hon. Chief Minister to kindly get the information pertaining to the appointments in the High Court for the last 30 years ?

MR. SPEAKER.—If the Hon. Member wants some discussion he can send a notice. I cannot allow futher suppliementaries on this question. I have given enough time.

SRI D. DEVARAJ URS.-If the Chair permits I will give some information. In class IV the reservation of 18% has been reached and in class III this reservation is 13% in Sub-ordinate Courts.

MR. SPEAKER.—Now held over on 27-3-1979 may be put.

Grant of lands to person whose lands have been submerged Under Hemavathy achkat area.

734. SRI K. H. HANUMEGOWDA (Hassan).—Will the Minister for Revenue be pleased to state :—

(a) the number of Khathedars and the extent of their lands submerged under the Hemavathy achkat in Hassan District;

(b) the number of Khathedars and the extent of land sanctioned to them, so far.

(c) whether it is a fact that many persons, not residing in the submersion area, have obtained the sanction of lands which were reserved for ryots of submersion area, through darkhasth by managing to get written up the pahani as lands of their relatives and by obtaining submerssion certificate; if so, the number of such persons;

(d) the total extent of land sanctioned to such persons:

(e) the number of ryots whose entire lands have been submerged under this project :

(f) the number of ryots for whom lands have yet to be sanctioned due to the said submersion.

(g) whether certain ryots whose loss of land is less than four acres due to submersion and who continue to reside there have got alternative land sanction elsewhere and received compensation for the loss of small extent of their land, have leased the land so granted for cultivation to others.

(h) their number and the total extent of land sanctioned to them ?

SRI B. BASAVALINGAPPA (Minister for Revenue).—

(a)	Khathedars :	...	12,418
	Extent of Land :	...	19,553-7½